

Planning Commission Date: June 13, 2007

Item No.

3.

MILPITAS PLANNING COMMISSION AGENDA REPORT

Category: Public Hearing

Report Prepared by: Cindy Maxwell

Public Hearing: Yes: X No:

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TITLE:

USE PERMIT NO. UP2007-12: NEGATIVE DECLARATION NO. EA2007-5

Proposal:

A request to operate a certified Farmers' Market on Sundays, 8 a.m. to 1 p.m. (6 a.m. to 2 p.m. including setup and take down time).

Location:

1331 E. Calaveras Blvd.

APN:

29-17-002

RECOMMENDATION:

Open the Public Hearing. Certify the completeness of the Negative Declaration. Approve the recommended findings and Use Permit No. UP2007-12 subject to special conditions.

Applicant:

Pacific Coast Farmers' Market Association

Property Owner:

Milpitas Unified School District

General Plan Designation:

Public Facility

Present Zoning:

"I-S" Institutional with "S" Zone combining district

Existing Land Use:

Parking lot for Calaveras Hills High School

Agenda Sent To:

Applicant and Owners (as noted above)

- Pacific Coast Farmers' Market Association, 5056 Commercial Circle, Suite E, Concord, CA 94520, Attn: John Silveira
- Milpitas Unified School District, 1331 E. Calaveras Blvd., Milpitas, CA 95035 Attn: Nawal

Attachments:

1. 3/20/07 letter and proposal from applicant
2. 6/6/07 memo on trash and recycling from applicant
3. Negative Declaration No. EA2007-5
4. Public comment letter(s)

PJ No. 2490

APPLICATION

- Pacific Coast Farmers' Market Association proposes to operate a certified Farmers' Market in the parking lot of the existing Calaveras Hills High School at 1331 E. Calaveras Blvd.
- The market would operate Sundays, year round, with public hours from 8 a.m. to 1 p.m.
- Total hours on the site with setup and take down would be 6 a.m. to 2 p.m.

BACKGROUND

History of the Farmers' Market

- 1995, six month use permit (UP1265), approved for a weekly farmers' market on the north side of Town Center.
- 1996, use permit amended to move the farmers' market closer to Calaveras Blvd.
- 1996-2002, use permit repeatedly extended for additional six-month increments.
- 2002, Town Center zoning district amended to allow farmers' markets as a conditional use.
- 2005, farmers' market closed due to renovation of Town Center and until a new location is found.
- 2006, Zoning Ordinance amended to allow farmers' markets in "T" Institutional zoning district as a conditional use. Planning Commission approved on December 13, 2006. City Council adopted on January 2, 2007.

History of the Project Site

- Mid-1950's, Ayer High School built on the sites now occupied by Calaveras Hills High School, the school district offices and the City Sports Center and associated sports fields.
- 1957, first senior class graduates from Ayer High School
- 1980, Ayer High School closed.¹
- 1985, City acquires northern portion of site for development of the existing Sports Center.

A variety of permits for special uses, such as the continuation high school, churches, and antennas have been considered for the site:

1982 Continuation high school (approved
– UP561)

1983 Church (approved – UP601)
1987 Church (approved – UP868)

Figure 1 – Location Map



¹ Milpitas: Five Dynamic Decades, Devincenzi, Gilsenan & Levine, 2004, pp. 24 & 44.

2000 Antenna (UP1556)

2001 Antenna (UP1580)

“Certified” Farmers’ Market

- Certified by the state to allow direct sales between farmers and consumers, in accordance with State law.
- Pacific Coast Farmers’ Market Association (PCFMA) is a nonprofit organization and the largest operator of certified farmers’ markets in California.

The farmers’ market will have:

- Up to 50 vendors.
- Certified Agricultural Producers who will sell fresh fruit, vegetables, honey, greens, fresh cut flowers, nursery items and nuts.
- Non-certified producers who offer specialty food and related products such as baked goods, cheeses, sausages, ethnic foods, coffees, soaps, and seafood. These vendors may also offer a variety of ready-to-eat foods, condiments, sauces and other specialty items for home cooking use.
- Entertainers ranging from solo or small group performances, face painters and balloon artists.
- Special events such as recipe contests and cooking demonstrations.

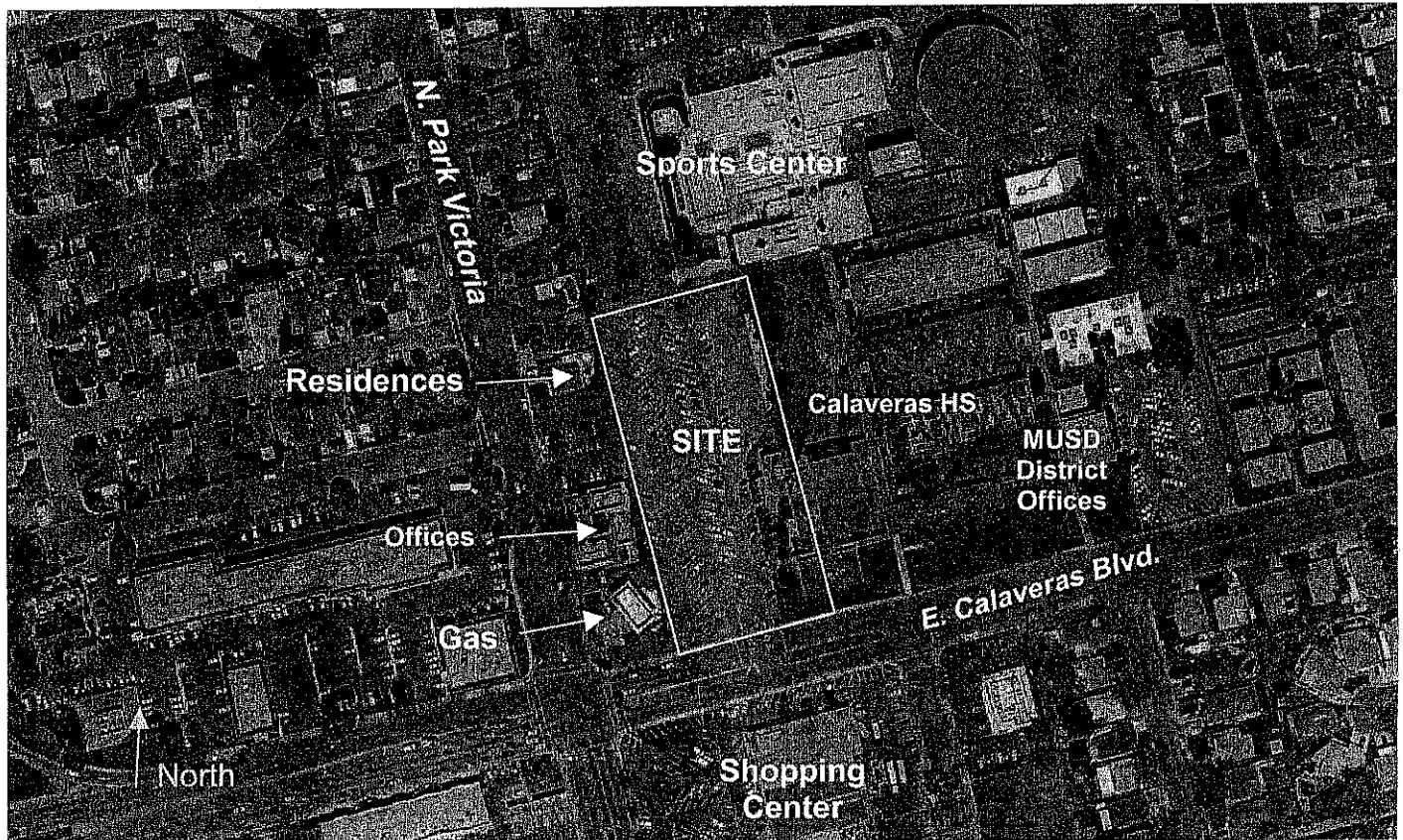
The farmers’ market must comply with:

- California Code of Regulations Title 3. Article 6.5. Food and Agriculture Direct Marketing and maintain their permit as a Certified Farmers’ Market from the California Department of Agriculture.
- California Uniform Retail Food Facilities Law and must maintain a Health Permit from the Santa Clara County Department of Health.

Surrounding Land Uses

- Primarily surrounded by public oriented uses.
- North: Continuation of the High School parking lot to serve the City Sports Center. Also, the Sports Center and sports playing fields.
- East: Calaveras Hills High School and school district administrative offices.
- South: Calaveras Blvd. and neighborhood shopping center.
- West: (from south to north) Service station, medical offices and two single-family residences.

Figure2 - Surrounding Land Uses



ANALYSIS

Parking

Including the Sports Center parking lot, there are 700 to 900 parking spaces available for booths, vendor parking and customers. Vendor vehicles and booths for the farmers' market will use no more than 80 parking spaces. This will still leave a large surplus of available parking for market customers over the five hours the market is operating.

Noise

The northern edge of the proposed market layout would be adjacent to two single family-residences. Because of the early hours on a weekend morning, a special condition is recommended to prohibit electronic amplification and portable generators at the market. In addition, any special events and entertainment is required to be at least 200 feet away from the existing adjacent residences.

Traffic

The project will generate traffic one day a week, on Sunday mornings, a time of extremely low traffic volumes on Calaveras Blvd. The applicant estimates the market will typically attract about 2,000 customers each Sunday. Based on customer volume, staff estimates the project will generate no more than 600 to 800 vehicle trips over a five-hour period.

Litter

Santa Clara County Health Department, and the lease agreement with the school district, requires that PCFMA be responsible for keeping the site free of litter and disposing trash and recyclables generated by the market. PCFMA will provide trash and recycling containers at two locations on the site. Additionally, PCFMA requires that all their vendors meet specific setup and sanitation criteria as outlined in their June 6, 2007 memo (see attachments).

CONFORMANCE

General Plan

- The project is consistent with the General Plan.
- “Land Use Principle and Policy 2.a-I-5: Maintain policies that promote a strong economy which provides economic opportunities for all Milpitas residents within existing environmental, social, fiscal and land use constraints.”
- “Land Use Principle and Policy 2.a.I-10: Foster community pride and growth through beautification of existing and future development.”

Zoning Ordinance

- The project is consistent with the Zoning Ordinance.
- Farmers’ Markets are allowed in the “I” Institutional zoning district with a conditional use permit (MMC XI-10-10.01).

California Environmental Quality Act (CEQA)

- Negative Declaration prepared. Project has no significant environmental impacts.

RECOMMENDATION

1. Close the public hearing.
2. Certify the completeness of the Negative Declaration EA 2007-5.
3. Approve Use Permit No. UP2007-12 based on the recommended findings and subject to the special conditions listed below:

FINDINGS

1. A Negative Declaration has been prepared, processed, and considered according to CEQA and it is found the project will not have a significant effect on the environment.
2. The proposed farmers’ market is consistent with the City of Milpitas General Plan in terms of fostering community pride and growth and providing a variety of economic opportunities for Milpitas residents.
3. The proposal is consistent with the Milpitas Zoning Ordinance Section 10-10 that allows farmers’ markets in the “I” Institutional zoning district with approval of a use permit.
4. The proposed farmers’ market will not be detrimental to adjacent businesses and homes nor to the public health, safety and general welfare and thereby will not create a negative impact on the surrounding community.

SPECIAL CONDITIONS

1. **Use Permit Approval:** This Use Permit No. UP2007-12 is to operate a certified Farmers' Market in the parking lot of the existing Calaveras Hills High School at 1331 E. Calaveras Blvd. The market may operate Sundays, year round and be open to the public from 8 a.m. to 1 p.m. Total hours on the site with setup and take down is 6 a.m. to 2 p.m. Any modification to the above days or hours will require approval of a Use Permit amendment by the Planning Commission. (P)
2. **Permitted Products:** This Use Permit authorizes only the sale of goods permitted under the "certification" of the Farmers' Market: fresh produce, agricultural products such as fruit, nuts, vegetables, eggs, honey, plants, cut flowers, fresh-pressed juice, fresh baked breads and pastries, fresh fish, cheese and non-alcoholic drinks. (P)
3. **Six Month Review:** The Planning Commission will review this Use Permit at a public hearing six months after Planning Commission approval.
4. **Performances:** No music, performances or special event activities (i.e., cooking show, recipe contests, face painter) will be allowed within 200 feet of any residential property line. (P)
5. **Sound Amplification:** No electronic amplification of sound, including radios, is allowed during operation, cleanup and set up of the Farmers' Market. No portable generators are permitted. (P)
6. **Legal Compliance:** This use shall be conducted in compliance with all appropriate local, state and federal laws and regulations and in conformance with the approved use permit. (P)
7. **Litter:** The applicant is responsible for leaving the parking lot area clean and litter-free after each event. (P)

Trash & Recycling: Applicant shall provide written statement describing agreement with the Milpitas Unified School District to use the recycling and garbage bins collected by Allied Waste Services. Written statement shall include:

- Evidence of agreement in the form of an official letter or resolution granting use of is solid waste containers provided by the MUSD;
- Details of how vendors shall be informed of proper recycling and garbage handling;
- Description, including the amount and locations, of recycling and garbage receptacles to be provided for public use during operating hours;
- Description how applicant shall maintain separate recycling and garbage services during operating hours and how materials shall be properly disposed.

Applicant is advised that, per MMC V-200-7.61, *Right of Individual to Dispose of Recyclable Waste Material*, that individual vendors, or the farmers' market organization, may keep or "back haul" non-putrescible recyclable materials.

However, applicant is advised that, per MMC V-200-3.10, *General Requirement*, and MMC V-200-3.20, *Owner Responsible for Solid Waste, Recyclables, and Yard Trimmings Service*, applicant shall provide for adequate level of solid waste service. (E)

8. **Other Permits:** It is the responsibility of the developer to obtain any necessary permits or approvals from affected agencies or private parties. Copies of any approvals or permits must be submitted to the City of Milpitas Engineering Division. (E)
9. **Traffic Flow:** During all public hours, at least two barricades shall be maintained at the north end of the vendor aisle to prevent access by vehicles of the public. (PD)

(E) = Engineering Department

(F) = Fire Department

(P) = Planning Division

(PD) = Police Department



3

Pacific Coast Farmers' Market Association

A non-profit community services organization

March 20, 2007

City of Milpitas
Planning Division
455 E. Calaveras Blvd.
Milpitas, Ca. 95053

Dear Ms. Maxwell:

Thank you for taking the time to review our application concerning the possibility of bringing a certified farmers' market to the parking lot of the Calaveras Hills High School campus this summer. We believe that farmers' markets are great assets for their communities, offering access to fresh, delicious, and nutritious foods in a family-friendly, community-supportive atmosphere. By operating a certified farmers' market at Calaveras Hills High School we will be able to bring these benefits of farmers' markets back to the Milpitas community.

The Pacific Coast Farmers' Market Association is a non-profit organization that operates certified farmers' markets in over 35 communities around the San Francisco Bay Area. We believe that a certified farmers' market should be a reflection of its community – a vibrant marketplace that serves as a gathering place for all residents. The market should provide a source of fresh and nutritious food while supporting local businesses and civic organizations.

PCFMA is the largest operator of Certified Farmers' Markets in California – and the second largest in the nation. PCFMA is also recognized as a leader in California's agricultural direct marketing industry. The organization's size and position in the industry make PCFMA well-qualified to take on the challenge of this partnership that could bring a Certified Farmers' Market to Calaveras Hills High School's campus and support it to become an integral part of the local community.

PCFMA is experienced in working with community partners to develop and sustain successful farmers' markets. Our goal as the market's operator is to make the experience as convenient as possible for our community partners. If we were to be given the opportunity to operate a market at Calaveras Hills High School, we would obtain all of the permits required for the operation of the market, maintain general liability insurance to protect the High School and the Milpitas Unified High School District from any claims that might result from the presence of the market, and provide you with a single point of contact to assist with any issues or questions that might arise during the market's season of operation.

The enclosed site plan shows the proposed layout. This layout provides for the existing traffic flow to remain in effect and allows ample customer parking. The attending producers may arrive as early as 2 hours prior to the opening time and we will have returned the property to its original condition within one hour of closing.

If you have any questions about the Pacific Coast Farmers' Market Association or this proposal, please feel free to contact me at 925-825-9090. Thank you for your attention and consideration.

Sincerely,

John Silveira
Director



Pacific Coast Farmers' Market Association

A non-profit community services organization

A Proposal to Operate a Certified Farmers' Market at Calaveras Hills High School

Goals:

Through the implementation of this proposal, the Pacific Coast Farmers' Market Association seeks to accomplish five goals:

- To operate a Certified Farmers' Market at Calaveras Hills High School in Milpitas in compliance with all state and local laws concerning direct agricultural marketing and the sale of fresh and processed food items.
- To set up and maintain the Farmers' Market in a manner that protects Calaveras Hills High School and the Milpitas Unified School District from potential liability while enhancing the High School's profile as a partner and supporter of the Milpitas community.
- To provide a wide variety of California-grown, freshly-picked, seasonal fruits, vegetables, nuts, and greens – including a number of certified organic products – for local consumers.
- To provide an economically viable marketplace for select California Agricultural Producers and other specialty food producers.
- To use the Certified Farmers' Market to provide a community gathering space that is supportive of local civic and business organizations.

Through our pursuit of these short-term goals, we hope to achieve our long-term goal: improving the health and wellness of San Francisco Bay Area residents by increasing their access to fresh and healthy foods and by inspiring them to make fresh and healthy foods a central part of their daily diet.

Background on Certified Farmers' Markets in California:

While the term "Farmers' Market" is widely used round the nation, *Certified* Farmers' Markets are unique to California. California law allows direct sales by agricultural producers to consumers only at the point of production or at Certified Farmers' Markets.

Since 1977, California law has required that each Farmers' Market be certified by the county agricultural commissioner in the county in which the market will operate. Only nonprofit organizations such as PCFMA, local governments, or certified producers may operate a Certified Farmers' Market.

Without the Certified Farmers' Markets, agricultural producers would only be able to sell their commodities at the point of production, effectively cutting off the producers of rural California from the consumers of urban California. PCFMA's Certified Farmers' Markets give California consumers in San Francisco, San Jose, Vallejo, Oakland and other urban and suburban communities of the San Francisco Bay Area direct access to farm-fresh products from the very farmers who grew, nurtured and harvested the crops.

There are currently over 400 Farmers' Markets in California, each a reflection of the community it serves. In addition to serving as sources of farm fresh fruits, vegetables, nuts, greens, herbs and berries, Farmers' Markets are often a popular gathering place – a place to see old friends and meet new ones, an opportunity to speak directly to the people who grow our food, a chance to pick up the latest recipe, visit a nearby café or stop by a local shop for a last-minute gift. Farmers' Markets also provide a place for community-oriented events such as harvest festivals, health fairs, recipe contests and cook-offs.

PCFMA only operates *Certified Farmers' Markets*. PCFMA's Rules and Regulations for Farmers' Markets were written to accommodate the California Agricultural Direct Marketing Statutes and the California Uniform Food and Facilities Law. These rules and regulations govern each of PCFMA's markets to ensure that every producer complies with state and local laws.

Background on the Pacific Coast Farmers' Market Association

The Pacific Coast Farmers' Market Association is a non-profit corporation dedicated to establishing and maintaining successful Certified Farmers' Markets around the Greater San Francisco Bay Area. PCFMA was founded in 1988 with the mission *to establish and operate community-supported certified farmers' markets that provide: viable economic outlets for California farmers and food producers, local access to farm fresh products, support for local businesses, and education concerning food and sustainable agriculture.*

In 2006 PCFMA operated 38 Certified Farmers' Markets around the Bay Area, representing 43 market days weekly. These markets give farmers and other agricultural producers direct access to consumers; give consumers access to fresh, locally grown produce; and serve as sites for community gatherings.

PCFMA plays an essential role in establishing and maintaining Certified Farmers' Markets. PCFMA coordinates with the California farmers who bring their products to market, the California Department of Food and Agriculture that enforces the Direct Marketing Statutes as set forth by the State Legislature, county Agricultural Commissioners who approve all Farmers' Market locations and certify California farmers, local county health departments at each market site, and the markets' sponsors. By acting as a liaison among all these actors, PCFMA is able to operate successful Certified Farmers' Markets.

In addition to managing the day-to-day operations of its markets, PCFMA also supports its markets by employing a variety of innovative and time-tested marketing strategies that include market promotions, coordinating special events, conducting advertising campaigns, performing community outreach, and conducting consumer education campaigns. This technical expertise goes beyond the markets themselves to include strategies to maximize the promotional opportunities of Farmers' Markets located in and around retail shopping areas, Business Improvement Districts and California Main Street Programs.

PCFMA is recognized as a leader in its field due in part to its innovative program that has brought Certified Farmers' Markets to corporate sites. For the past three years, PCFMA has partnered with Kaiser Permanente to bring Certified Farmers' Markets to Kaiser Permanente facilities. Through this partnership PCFMA has been able to open additional outlets for California farmers, introduce the benefits of eating fresh and healthy to new audiences, and to draw upon Kaiser Permanente's extensive knowledge in health and nutrition to augment PCFMA's own nutrition education efforts. Kaiser Permanente has benefited by being able to offer its employees and members an additional benefit at low cost, by having a weekly forum in which they can teach members about nutrition and lifestyle choices, and by raising their profile in the community as a supporter of healthy activities.

This partnership has garnered significant positive press for Kaiser Permanente and resulted in Kaiser Permanente being awarded the prestigious Ellis J. Bonner Community Leadership Award, a national award presented by the American Association of Health Plans in recognition of efforts by healthcare providers to improve the quality of life in their local communities.

However, this is the only one small portion of what PCFMA does.

PCFMA also works to forge and sustain a link between California farmers and California's communities. At each Farmers' Market, PCFMA works to create a sense of neighborhood by respecting local community dynamics and creating a family-oriented environment.

In addition, PCFMA works to educate the community about healthy eating and sustainable agriculture. PCFMA's food education efforts encompass nutrition, preparation, storage, food safety, production, and security. In local elementary schools, PCFMA has incorporated the nationally recognized 5-A-Day Nutrition Curriculum, which emphasizes good nutrition and healthy eating habits for life. PCFMA's "5-A-Day Café" provides a hands-on experience for school children in which they learn about proper portion sizes and how to safely peel and slice various fruits to make a healthy snack. Best of all, the children get to eat the fruits of their labor to discover just how good healthy foods can be.

To teach the public, especially young people, about sustainable agriculture – a form of the agricultural arts that strives to work in greater harmony with nature to provide farmers with a fair return for their crops while protecting the soil and land for future generations – PCFMA has developed the Farm Faire, an interactive exhibit that demonstrates how a farm operates. The Farm Faire includes an interactive map showing which of California's agricultural regions grow various crops, bigger than life displays of beneficial insects, and wooden cows that the kids can milk.

PCFMA's newest educational effort is a program of cooking demonstrations that show consumers how quick and easy it can be to cook fresh fruits and vegetables and how delicious these healthy recipes can be. The program, which we have dubbed "Cookin' the Market," was developed in partnership with Kaiser Permanente San Jose. PCFMA is proud to be a recipient of a three-year grant from Kaiser Permanente's Community Benefit program that will allow the Cookin' the Market program to expand in scope – by offering cooking demonstrations through the six-county area in which PCFMA operates – and in scale – by offering even more cooking demonstrations in 2007 than in 2006.

PCFMA's website is a part of its community outreach strategy, providing healthy recipes utilizing the market's seasonal products, in addition to detailed information about each of PCFMA's markets and a list of PCFMA's producers statewide.

PCFMA's success is apparent in many different areas. PCFMA is the largest Farmers' Market Association in the State of California and the second largest in the nation. We currently have over 250 certified agricultural producers that participate at several of the markets that we operate in the Greater San Francisco Bay Area. In addition to the California small family farmers, 150 non-agricultural producers participate in the markets. These producers bring variety to the markets in the form of artisan breads and baked goods, freshly caught fish or shellfish, specialty cheeses, and many other wonderful locally-produced food items.

PCFMA takes its position as a leader in California's agriculture industry very seriously. Members of PCFMA's staff and Board of Directors serve on the Board of Directors of the California Federation of Certified Farmers' Markets and the state's Agricultural Direct Marketing Advisory Committee, and PCFMA is a member of the North American Farmers' Direct Marketing Association.

PCFMA is governed by a ten-member Board of Directors. Three of the nine members of PCFMA's Board of Directors are elected by the agricultural producers who sell in PCFMA's markets. The remaining seven Board positions are selected annually by the Directors then serving. In addition to agricultural producers, PCFMA's Board of Directors includes an attorney, a certified public accountant, a former official of the State of California's Department of Food and Agriculture, and a registered dietician and diabetes educator.

PCFMA is led by a professional staff with extensive experience in California's Certified Farmers' Markets. PCFMA will dedicate an employee to serve as the Market Manager for the farmers' market at Calaveras Hills High School. This individual will serve as the liaison between the High School's administration, the producers who sell in the market, the public officials who certify and inspect the Farmers' Markets, and PCFMA. While this Market Manager will lead PCFMA's efforts to maintain a successful Certified Farmers' Market at the High School, he or she will be supported by PCFMA's full staff of managers, administrators and marketing experts.

PCFMA's strength, experience and leadership have contributed to the organization's fiscal strength. Careful financial planning has allowed PCFMA to develop sufficient financial reserves to invest in promising markets and new innovations and to weather potential short-term losses that might be caused by weather or natural disasters that might temporarily interfere with the operation of the markets. To protect itself and its sponsors, PCFMA maintains a general liability insurance policy in the amount of \$1,000,000, listing as additional insureds, each of the Certified Farmers' Markets PCFMA operates and each of the property owners of the facilities at which the markets operate.

In addition, PCFMA and each of the property owners of facilities at which PCFMA operates markets jointly develop a license agreement that defines their respective roles and responsibilities. Through this document, PCFMA provides an additional level of protection for the property owner by agreeing to accept liability for incidents that may occur during the market's operation.

PCFMA is proud of the reputation that it has developed in California's Agricultural Direct Marketing Industry and in communities around the Bay Area.

Operations Strategy:

PCFMA believes every market should be a reflection of the community it serves, so it customizes its strategy for each market, while relying on four basic principles: create a marketplace that is inviting, friendly, safe and fun; offer the best variety and the biggest selection of top-quality food products that the market can bear; use the market as a venue to foster community connections, encourage healthy food choices, and support local businesses; and establish and enforce a system of market rules that promote compliance with local regulatory agencies while supporting the long term sustainability of the market.

Market Operations:

PCFMA currently operates markets on every day of the week, except Monday, as Mondays have become the nearly universal off-day in the Farmers' Market industry. PCFMA also operates markets that open in the early morning, in the late morning, and in the early afternoon. The day of the week and the timing of the market are set for each market to accommodate local community dynamics and market goals.

We propose to operate a farmers' market at Calaveras Hills High School from 8:00 a.m. to 1:00 p.m. on Sundays. This schedule will also allow the market to utilize a designated space in the campus' parking lot at a time when parking at the campus is not at a premium. The area designated for the operation of the market and for customer parking would be jointly identified to provide easy and safe entrance and egress for market producers and shoppers, while still allowing for parking for visitors to the sports park.

Producers in the Market:

Every market that PCFMA operates is unique. The number and mix of producers in the market vary depending upon market space, producer availability, consumer demand and other factors. The state laws governing Certified Farmers' Markets make a distinction between Certified Agricultural Producers and other producers and vendors in the market. As a result, every market has a dividing line – invisible to market consumers – that divides the two types of producers. PCFMA typically works to have 60% of the market served by Certified Agricultural Producers and 40% filled by other specialty food producers.

Certified Agricultural Producers offer farm fresh, seasonal fruit, vegetables, honey, greens, fresh cut flowers, nursery items, and nuts – including a selection of organically grown products. The other producers – those not certified by the state as Certified Agricultural Producers – include specialty food producers and other retailers

offering items such as bakery fresh breads and pastries, gourmet cheeses, specialty sausages, various ethnic foods, locally roasted coffees, hand-crafted soaps and freshly caught seafood. These vendors offer a variety of ready-to-eat foods, along with condiments, sauces and other specialty food items for home cooking use.

In addition, PCFMA proposes to devote space for the use of area community groups, local businesses, and nonprofit organizations at no cost to them. This will allow the farmers' market to grow as a community center and gathering point. These community booths also serve to attract additional visitors to the Market.

Protection of Property-Owners from Liability:

PCFMA realizes that property-owners that make areas available for the operation of farmers' markets are providing a great public service and so PCFMA goes to great lengths to protect those property-owners from any potential liability that might arise from hosting the market.

In addition to maintaining general liability insurance for the market, naming Calaveras Hills High School and the Milpitas Unified School District as an additional insureds, PCFMA would be willing to include in its license agreement with the High School language that will provide additional assurances that PCFMA will assume responsibility for liabilities that may occur as a result of the market's presence. PCFMA will defend and hold harmless from any claim or liability arising in connection with the operation of the market.

Operations Philosophy:

PCFMA is dedicated to being a professional organization that provides a consistently high-quality service to its consumers, its sponsors and its producers. This philosophy is captured in the formal rules and procedures that PCFMA employs, as well as in the manner and attitude of all PCFMA employees.

Rules and Regulations:

PCFMA adopted Rules and Regulations at its inception. The Board of Directors is responsible for an annual review of this important document which is updated on a regular basis. Each producer agrees, as part of their application process each year, to abide by these Rules and Regulations. The on-site Market Manager enforces the Rules and Regulations.

PCFMA complies with the California Code of Regulations Title 3, Article 6.5, Food and Agriculture Direct Marketing, which authorizes Certified Farmers' Markets in California and the California Uniform Retail Food Facilities Law, which ensures public health and safety.

Management Style:

Developing good communication skills and utilizing them on market days is the single most important managerial skill a Market Manager can possess. PCFMA conducts training in this important skill for all new managers. Additionally, we conduct regular manager meetings to provide support and continuity for our staff.

Community Involvement:

PCFMA welcomes on-going input from its sponsors, local chambers of commerce, and local merchants' association and other interested community groups. PCFMA sees their role as advisors, particularly on merchant-related issues. We would also hope to have their support and participation in order to implement the cooperative marketing ideas that support both the market and the surrounding merchants.

Public Relations:

Every PCFMA manager is taught the "Disneyland" approach to working with the public – the customer is always right and the site is always clean, safe, fun and festive.

PCFMA also maintains a list of entertainers that perform a variety of different musical styles at several of PCFMA's markets. These artists range from jazz trios, to country banjo, to classical harpists. All of the performers are carefully screened by PCFMA to ensure that their performances will enhance the shopping experience for market visitors.

Marketing Strategy:

As the largest operator of Certified Farmers' Market in the Bay Area, PCFMA has developed a sophisticated marketing and promotions function. The farmers' market at Calaveras Hills High School would benefit from PCFMA's years of experience promoting Certified Farmers' Markets; available resources of display advertisements, radio spots and television commercials; and established relationships with local media outlets.

PCFMA's typical marketing strategy for a Certified Farmers' Market combines general and market-specific advertising. The general advertising promotes Certified Farmers' Markets as exciting retail destinations and encourages consumers to find a market near them by calling PCFMA's toll-free phone number or by visiting PCFMA's website. Market-specific advertisements would spotlight just the farmers' market at Calaveras Hills High School, promoting specific market elements or activities. PCFMA also makes extensive use of free media through a coordinated campaign of press announcements that raise the visibility of the markets in local and national newspapers and magazines.

PCFMA makes creative use of online media through a detailed website and a subscription-only e-mail list. PCFMA's website provides detailed information about each of PCFMA's markets. The e-mail newsletter alerts subscribers to upcoming market events, new products entering the market and new producers serving the market.

The market would also feature market-based promotions that are organized and implemented by PCFMA's marketing team, and that are designed to encourage repeat visits by market consumers. These promotions highlight new products entering the market with discounts, recipes and nutritional information; offer educational and entertaining activities for children in the market and build a market community by allowing consumers to register for the *Friends of the Farmers' Market* list that offers advance notice of special events and special discounts for regular customers.

Market events – such as seasonal recipe contests and cooking demonstrations – would help to make the market a community destination. PCFMA's popular recipe contests encourage the purchase of particular products entering the market and give consumers an opportunity to show off their creativity. Cooking demonstrations featuring local chefs as well as PCFMA's own *Grill Crazy* summer cooking demonstration are not only educational and entertaining, but produce delicious free samples that are proven crowd-pleasers.

Equally important to the advertising and special events are the relationships that the market is able to develop with the surrounding community. Here again, PCFMA's experience and reputation would benefit the market. PCFMA publishes a quarterly newsletter, *Market Thymes*, which features seasonal recipes, children's activities and useful articles on subjects such as food storage and nutrition. PCFMA also produces a wide range of brochures with seasonal recipes and with educational information on organic farming, sustainable agriculture, nutrition, and food storage and safety.

PCFMA would also offer its programs of education on nutrition and sustainable agriculture to local schools and help to organize market visits by classrooms. During the visits, PCFMA can make available its Carrot Cash for the children to be able to buy fresh fruits and vegetables to enjoy. PCFMA can also bring to the market and to the

schools Mr. Carrot, PCFMA's ambassador for healthy eating. This six-foot tall carrot – a member of the PCFMA staff accustomed to wearing the costume and interacting with market consumers – is wildly popular with children and adults as he walks through the market, interacting with customers and farmers, and posing for pictures.

Other community outreach efforts that PCFMA can employ include working with local government agencies and nonprofit organizations to promote public benefit programs that can be used at Farmers' Markets, such as the Golden State Advantage electronic benefits card that has replaced food stamps and the California Farmers' Market Nutrition Program serving mothers in the federal WIC program and low-income seniors.

Benefits to Calaveras Hills High School:

PCFMA is committed to making the Certified Farmers' Market at Calaveras Hills High School popular with consumers, profitable for producers and supportive of local businesses and community organizations. PCFMA is also committed to a partnership with Calaveras Hills High School and the Milpitas Unified School District that allows the market to achieve our common goals.

PCFMA is willing to commit to its partnership with Calaveras Hills High School a Market Manager and PCFMA's experienced marketing and promotions team, under the oversight of PCFMA's professional management. We would maintain throughout the market's presence at the High School, liability insurance to protect the school and the school district from any claims arising from the market's operation. We will also maintain the space utilized for the market in excellent condition. Our pledge is that the space will look better when we depart than it did when we arrived.

One of the most valuable benefits to Calaveras Hills High School will be the community connections that are created and reinforced. By playing host to the farmers' market, the High School will be able to demonstrate its commitment to the health and well-being of the families living in the surrounding communities and increase its standing as a community leader.

As we are a not-for-profit organization, we try to carefully control our costs so we can maintain the markets as economically viable sales spaces for our producers, and affordable shopping spaces for our customers. However, we are willing to invest in our communities where it is appropriate. Should the farmers' market at Calaveras Hills High School meet our expectations in consumer visits and producer attendance, we would be proud to offer the High School a contribution at the end of the market season, likely in the amount of \$1000 to \$2500, to sponsor student enrichment activities.

Conclusion:

The Pacific Coast Farmers' Market Association – its Board of Directors, its staff and its hundreds of producers – are committed to bringing fresh, nutritious California-grown products to the people through Certified Farmers' Markets. We offer this proposal in hopes of be allowed to operate a market at Calaveras Hills High School and to continue to grow and develop the market to reach its fullest potential. Working together we are confident that the Certified Farmers' Market at Calaveras Hills High School will grow to become a center of community life, good health, and economic vitality in the City of Milpitas.



Pacific Coast Farmers' Market Association

A non-profit community services organization

3

To: Babak Kaderi and Cindy Maxwell, City of Milpitas
Cc: John Silveira
From: Allen J. Moy, Assistant Director
Date: June 6, 2007
Re: Response to Engineering Division Recommendations for Farmers' Market

Thank you for your comments and recommendations concerning the collection and disposal of solid waste and recycling materials at the Milpitas Farmers' Market.

It is our goal that the farmers' market have no negative impact upon the facility which hosts the market, in this case, Calaveras Hills High School. Our policy is that all farmers and other producers in the market collect all of their own trash and wastewater and return it to their farm or place of business for proper disposal. PCFMA provides trash containers for use by shoppers and returns the contents of those containers to PCFMA's office for proper disposal.

This policy is incorporated in PCFMA's Rules and Regulations which all farmers and other producers agree to follow as a condition of their right to sell in PCFMA's markets. The relevant sections of the Rules and Regulations are included here for your information:

VI. OTHER MARKET RULES, POLICIES AND REQUIREMENTS

E. Setups, Safety and Sanitation:

Before any sales transactions are allowed, the producer's area must be cleared and cleaned of any produce trimmings or debris of any type. Absolutely no rubbish of any type will be allowed on the stall grounds, the consumer area directly surrounding the stall, or in any other contiguous area that could constitute a health or safety issue. Any waste water generated during the market for washing of produce or utensils must be collected by the producer, removed from the market area in a container with a lid, and properly disposed of at the producer's farm or business.

Before the producer may leave the market, both the stall section and the surrounding area must be totally free of any produce and debris. Producers' trash shall be removed by the producer and disposed of properly. Failure to follow the above referenced issues will result in revocation of the sellers stall space and a \$50.00 fine.

All of PCFMA's farmers and other producers are aware of this policy as it was included with their application to sell. In addition, this policy will be reiterated in a set of Standard Operating Procedures for the market that will address issues specific to the Milpitas market. The Standard Operating Procedures will be distributed to all farmers and other producers on the opening day of the market.

PCFMA will provide garbage and recycling containers in at least two locations within the market. The recycling containers, currently on order from the California Department of Conservation, are brightly colored and clearly

marked to make it clear to market shoppers that they are intended for the disposal of recyclable materials and not non-recyclable waste products.

Our experience from the 40-plus weekly markets that we currently operate, is that the farmers' market tends to generate very little waste, as the vast majority of food products sold are intended for later consumption. The items deposited by customers into the trash receptacles provided by PCFMA tend to be coffee cups and other items brought into the market by shoppers. The items most often deposited into the recycling containers tend to be aluminum cans or plastic water bottles from beverages brought into the market or purchased from a market vendor.

We are confident that the waste and recycling plan described above will provide an adequate level of trash and recycling collection. However, if our current policies for the collection and disposal of refuse prove to be inadequate to maintain a safe and attractive shopping experience for market customers, or if the current policies create a situation in which the negative impact upon Calaveras Hills High School, then PCFMA will address the situation through the creation of new policies specific to the Milpitas Farmers' Market that may include contracting with Allied Waste Services/BFI for the collection of solid waste.

If you have any questions or need any additional information, please feel free to contact me. Thank you for your assistance on this project. We look forward to bringing a Certified Farmers' Market back to the City of Milpitas!

NEGATIVE DECLARATION

ENVIRONMENTAL IMPACT ASSESSMENT (EIA) NO. EA2007-5

A NOTICE, PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT OF 1970, AS AMENDED (PUBLIC RESOURCES CODE 21,000 ET SEQ.), THAT A FARMERS' MARKET, LOCATED AT 1331 E. CALAVERAS BOULEVARD, MILPITAS, CA, AND OPERATING ONLY ON SUNDAYS, WILL NOT HAVE A SIGNIFICANT IMPACT ON THE ENVIRONMENT.

Project Title: Farmers' Market UP2007-12 and EA2007-5

Project Description: Operate a certified Farmers' Market on Sundays, 8 a.m. to 1 p.m. (6 a.m. to 2 p.m. including setup and take down time). Up to 50 providers would operate on the site. No new construction is proposed.

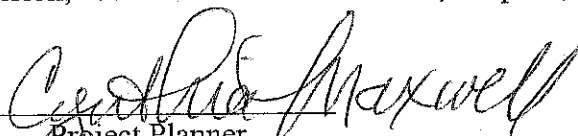
Project Location: 1331 E. Calaveras Blvd., Milpitas, CA 95035

Project Proponent: Pacific Coast Farmers' Market Association, 5056 Commercial Circle, Suite E, Concord, CA 94111.

The City of Milpitas has reviewed the EIA/Initial Study for the above project and finds that the project will have no significant impact upon the environment.

Copies of the EIA/Initial Study may be obtained at the City of Milpitas Planning Division, 455 E. Calaveras Boulevard, Milpitas, CA 95035.

By:


Project Planner

Title: Principal Administrative Analyst



ENVIRONMENTAL IMPACT ASSESSMENT NO: EA2007-5

Planning Division

455 E. Calaveras Blvd., Milpitas, CA 95035

(408) 586-3279

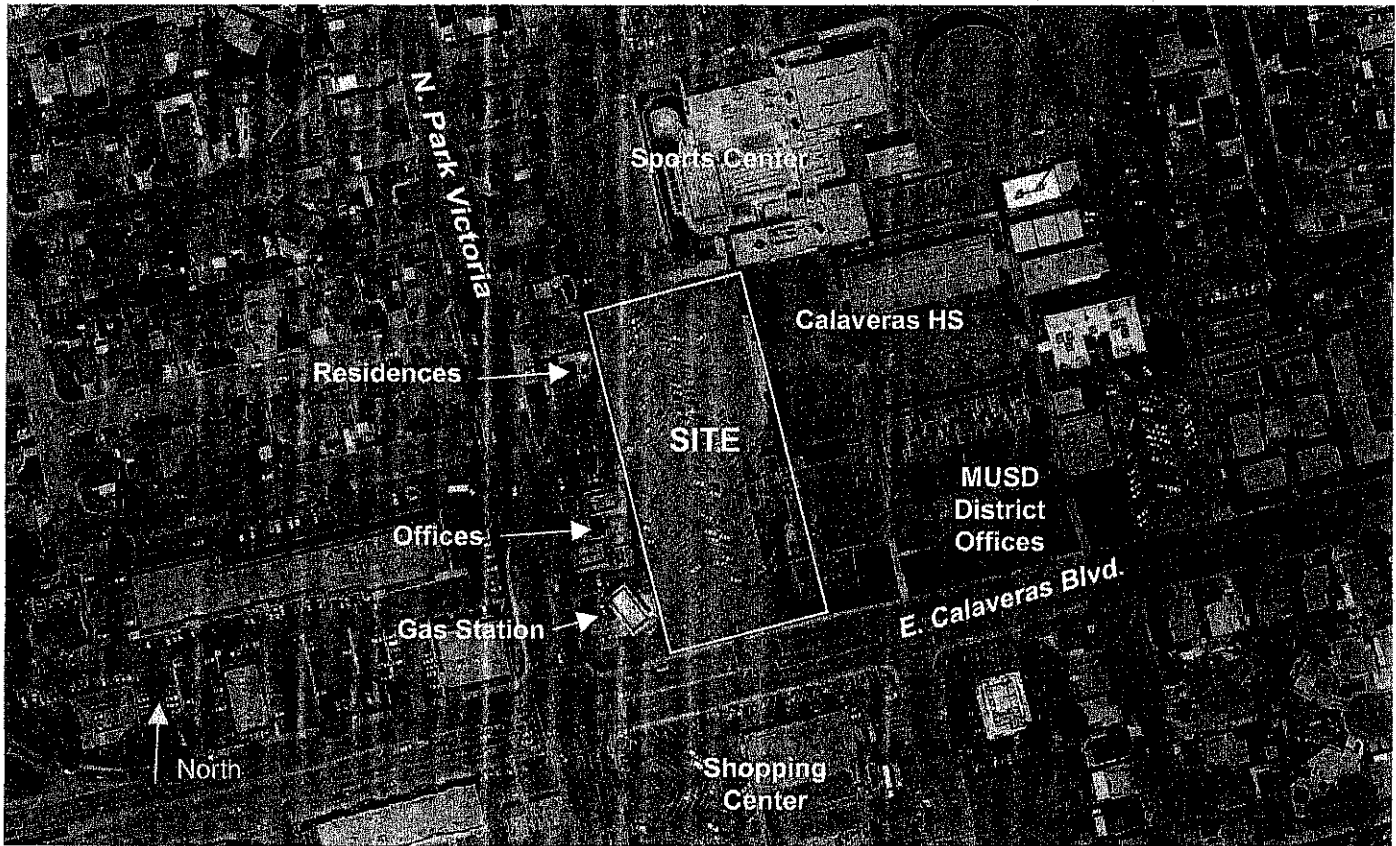
Prepared by: *Cynthia Maxwell*

5/8/07
Date

Title: *Principal Admin. Analyst*

1. Project title: *Farmers' Market UP2007-12 & EA2007-5*
2. Lead Agency Name and Address: *City of Milpitas*
3. Contact person and phone number: *Cynthia Maxwell, 408-586-3287*
4. Project location: *1331 E. Calaveras Blvd., Milpitas, CA 95035*
5. Project sponsor's name and address:
*Pacific Coast Farmers' Market Association
5056 Commercial Circle, Suite E, Concord, CA 94520*
6. General plan designation: *School*
7. Zoning: *"I-S" Institutional*
8. Description of project: (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary.)
Operate a certified Farmers' Market on Sundays, 8 a.m. to 1 p.m. (6 a.m. to 2 p.m. including setup and take down time). Up to 50 providers would operate on the site. Location is parking lot of Calaveras Hills High School at 1331 E. Calaveras Blvd. No new construction is proposed.
9. Surrounding land uses and setting: Briefly describe the project's surroundings:
The project site is primarily surrounded by public oriented uses as indicated in Figure 1. North: Continuation of the High School parking lot to serve the City Sports Center. Also, the Sports Center and sports playing fields. East: Calaveras Hills High School and school district administrative offices. South: Calaveras Blvd. and neighborhood shopping center. West: (from south to north) Service station, medical offices and two single-family residences.

Figure 1 Surrounding Land Uses



10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.)

Dept. of Agriculture – Certified Farmers' Market Permit

Dept. of Health, Santa Clara County – Health Permit

Milpitas Unified School District – Operating Lease

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages:

- | | | |
|--|---|--|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology / Soils |
| <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology/Water Quality | <input type="checkbox"/> Land Use / Planning |
| <input type="checkbox"/> Mineral Resources | <input checked="" type="checkbox"/> Noise | <input type="checkbox"/> Population / Housing |
| <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation | <input checked="" type="checkbox"/> Transportation / Traffic |
| <input type="checkbox"/> Utilities / Service Systems | <input type="checkbox"/> Mandatory Findings of Significance | |

DETERMINATION: (To be completed by the Lead Agency)

☐ On the basis of this initial evaluation:

- ☒ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Date:

5/8/07

Project Planner:

Cynthia Maxwell
Signature

Cynthia Maxwell
Printed Name

A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project level, indirect as well as direct, and construction as well as operational impacts.

WOULD THE PROJECT:	IMPACT					Source
	Cumulative	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	
I. AESTHETICS:						
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 18, 19, 20
b) Substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 18, 19, 20
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 18, 19, 20
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the areas?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 18, 19, 20
II. AGRICULTURE RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:						
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 18, 19, 20
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 18, 19, 20
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 18, 19, 20

WOULD THE PROJECT:	IMPACT					Source
	Cumulative	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	

III. AIR QUALITY: (Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations). Would the project:						
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 19, 26
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 19, 26
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 19, 26
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 19, 18, 26
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 19, 18, 26
IV. BIOLOGICAL RESOURCES: Would the project:						
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish & Game or U.S. Fish & Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 17, 18, 26
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish & Game or U.S. Fish & Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 19, 26

WOULD THE PROJECT:	IMPACT					Source
	Cumulative	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 19, 26
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 19, 26
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 17, 19, 26, 27
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 19, 26
V. CULTURAL RESOURCES: Would the project:						
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 19
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 19
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 19
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 19
VI. GEOLOGY AND SOILS: Would the project:						
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:						

WOULD THE PROJECT:	IMPACT					Source
	Cumulative	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	

i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 11, 26
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 11, 26
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 11, 26
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 11, 26
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 11, 26
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 11, 26
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 11, 26
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 11, 26
VII. HAZARDS AND HAZARDOUS MATERIALS:						
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 19, 26
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 19, 26
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 19, 26

WOULD THE PROJECT:	IMPACT					Source
	Cumulative	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 26, 28
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 18, 26
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 18, 26
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 26, 28
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 18, 26
VIII. HYDROLOGY AND WATER QUALITY:						
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 19, 26
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 19, 26
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or situation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 19, 26

WOULD THE PROJECT:	IMPACT					Source
	Cumulative	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 19, 26
e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff as it relates to C3 regulations for development?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 19, 26
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 19, 26
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 19, 26
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 19, 26
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 19, 26
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 19, 26
IX. LAND USE AND PLANNING:						
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 19, 26

WOULD THE PROJECT:	IMPACT					Source
	Cumulative	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 11, 19, 26
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 11, 19, 26
X. MINERAL RESOURCES:						
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 11
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 11
XI. NOISE:						
a) Result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 11, 18, 19, 26
b) Result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 19, 26
c) Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 19, 26
d) Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 19, 26

WOULD THE PROJECT:	IMPACT					Source
	Cumulative	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 18, 19, 26
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 18, 19, 26
XII. POPULATION AND HOUSING:						
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 26
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 26
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 26
XIII. PUBLIC SERVICES:						
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: Fire protection? Police protection? Schools? Parks? Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 19, 26

WOULD THE PROJECT:	IMPACT					Source
	Cumulative	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	
XIV. RECREATION:						
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 19, 26
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 19, 26
XV. TRANSPORTATION/TRAFFIC: Would the project:						
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 19, 26
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 19, 26
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 19, 26
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 18, 19, 26
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 18, 19, 26
f) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 18, 19, 26

WOULD THE PROJECT:	IMPACT					
	Cumulative	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Source

g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 11, 18, 19, 26
XVI. UTILITIES AND SERVICE SYSTEMS: Would the project:						
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 19, 26
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 19, 26
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 19, 26
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 19, 26
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 19, 26
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 19, 26
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1, 2, 19, 26

WOULD THE PROJECT:	IMPACT					Source
	Cumulative	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	

XVII. MANDATORY FINDINGS OF SIGNIFICANCE:						
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or pre-history?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

ENVIRONMENTAL IMPACT ASSESSMENT
SOURCE KEY

1. Environmental Information Form submitted by applicant
2. Project plans
3. Site Specific Geologic Report submitted by applicant
4. Traffic Impact Analysis submitted by applicant
5. Acoustical Report submitted by applicant
6. Archaeological Reconnaissance Report submitted by applicant
7. Other EIA or EIR (appropriate excerpts attached)
8. Alquist-Priolo Special Studies Zones Maps
9. BAAQMD Guidelines for Assessing Impacts of Projects and Plans
10. Santa Clara Valley Water District
11. Milpitas General Plan Map and Text
12. Milpitas Midtown Specific Plan Map and Text
13. Zoning Ordinance and Map
14. Aerial Photos
15. Register of Cultural Resources in Milpitas
16. Inventory of Potential Cultural Resources in Milpitas
17. Field Inspection
18. Planner's Knowledge of Area
19. Experience with other project of this size and nature
20. Flood Insurance Rate Map, September 1998
21. June 1994 Water Master Plan
22. June 1994 Sewer Master Plan
23. July 2001, Storm Master Plan
24. Bikeway Master Plan
25. Trails Master Plan
26. Applicant's March 20, 2007 letter
27. Tree Protection and Heritage Tree Program Ordinance
28. Review by Hazardous Materials Office in Fire Department

ENVIRONMENTAL CHECKLIST RESPONSES AND ANALYSIS

EXISTING SETTING:

The project site is a flat asphalt parking lot on the valley floor that primarily serves a public high school. The lot provides shared access and parking spaces with the city Sports Center and athletic fields located north of the site. Access is provided with two one-way driveway entrances on the southeast side of the site. The site has minimal landscaping and no structures.

PROJECT DESCRIPTION:

Operate a certified Farmers' Market on Sundays, 8 a.m. to 1 p.m. (6 a.m. to 2 p.m. including setup and take down time). Up to 50 providers would be on site during peak season. The site is the parking lot of Calaveras Hills High School at 1331 E. Calaveras Blvd.

DISCUSSION OF CHECKLIST

Legend

PS: Potentially Significant Impact

LS: Less Than Significant Impact

LS/M: Less Than Significant with Mitigation

NI: No Impact

I. AESTHETICS

Environmental Setting

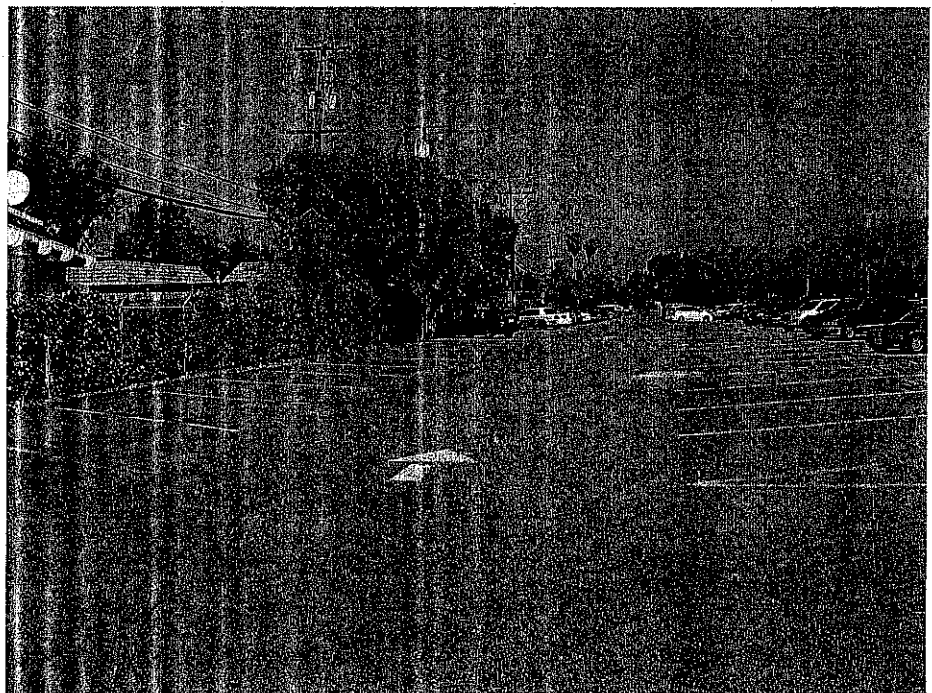
The project site is a existing flat asphalt parking lot used primarily for a public high school. There are no existing improvements beyond parking space striping and curb bumpers. The west side of the site is bordered by a six foot high fence of wood or chain link. The parking lot is accessed from the south side of the site from E. Calaveras Blvd. The parking lot has one one-way driveway and one exit-only driveway. The driveways are separated by a bollards and a chain link barrier. The parking lot continues north for shared parking with the city Sports Center.

Figure 2 Project Site – North View

Impacts

a) Would the project have a substantial adverse effect on a scenic vista? *NI. Since the site is currently used as a parking lot there would be no adverse effect on scenic vistas. In addition, vendor booths for the Farmers' Market will typically be no taller than eight feet and are for a temporary five-hour period once a week.*

b) Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic



highway? *NI. The project will not damage any scenic resources and will only temporarily occupy an existing and improved parking lot.*

c) Would the project substantially degrade the existing visual character or quality of the site and its surroundings? *NI. The project will not degrade existing visual character or quality of the site and will only temporarily occupy an existing and improved parking lot.*

d) Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? *NI. The project will not create any new light or glare and will not operate at night.*

II. AGRICULTURE RESOURCES

Environmental Setting

The project site is fully developed as an existing parking lot in an urbanized area and is not used for agricultural production. There are no Williams Act contracts present on the site.

Project Impacts

a) Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? *NI. The project is not located on any of the areas identified in the Program maps of the California Resources Agency. The site is already a developed urbanized use.*

b) Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract? *NI. There is no agricultural zoning or Williams Act contracts in the vicinity of the site.*

c) Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use? *NI. The project actually encourages the retention of Farmland by providing an additional market for selling produce.*

III. AIR QUALITY

Environmental Setting

The site is located in the San Francisco Bay Area non-attainment area for the federal 8-hour ozone standard established by the U.S. Environmental Protection Agency. The site is also located in Santa Clara County, which is a non-attainment area for ozone and particulate matter (PM₁₀ and PM_{2.5}) under the California Clean Air Act.

Project Impacts

a) Would the project conflict with or obstruct implementation of the applicable air quality plan? *NI. The project is a temporary use on an existing site and will not conflict or obstruct the implementation of any air quality plan.*

b) Would the project violate any air quality standard or contribute substantially to an existing or projected air quality violation? *NI. The project is a temporary use on an existing site and will not violate any air quality standards or contribute substantially to a violation.*

c) Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)? *NI. The project is a temporary use on an existing site and will not result in the cumulative considerable net increase of a criteria pollutant.*

d) Would the project expose sensitive receptors to substantial pollutant concentrations? *NI. The project will not expose sensitive receptors to substantial pollutant concentrations. The site is already an existing parking lot that may sporadically generate auto exhaust from queued vehicles or vehicles being started up. Any concentration of auto exhaust due to the project would be temporary and not in substantial quantity to negatively effect residents of the two northwestern residences.*

e) Would the project create objectionable odors affecting a substantial number of people? *NI. The project will not create objectionable odors affecting a substantial number of people. The proposed Farmers' Market will not involve any outdoor food cooking or other potential odor-producing uses. The two homes adjacent to the northwest corner of the site would not house a "substantial" number of persons.*

IV. BIOLOGICAL RESOURCES

Environmental Setting

The site is located on an existing developed parking lot. No demolition or new construction is proposed. No plant or animal species on the site will be affected by this temporary use.

Project Impacts

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish & Game or U.S. Fish & Wildlife Service? *NI. The project is temporary and will not have any direct or indirect effect on habitat or species. There are no significant habitat or species known on the site.*

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish & Game or U.S. Fish & Wildlife Service? *NI. There is no riparian habitat or sensitive natural communities known on the site.*

c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? *NI. There are no wetlands on the site.*

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? *NI. The site does not provide significant habitat for wildlife or support wildlife corridors.*

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? *NI. The project is temporary and will not significantly affect any biological resources that might be on the site.*

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? *NI. The project is of a temporary nature and will not conflict with any official conservation plans.*

V. CULTURAL RESOURCES

Environmental Setting

The site is located on an existing developed parking lot. No demolition or new construction is proposed. No historical or archaeological resources are located on the site.

Project Impacts

- a) Would the project cause a substantial adverse change in the significance of a historical resource as defined in §15064.5? *NI. There are no historical resources located on the site.*
- b) Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? *NI. There are no archaeological resources located on the site.*
- c) Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? *NI. There are no paleontological resources or unique geologic features on the site.*
- d) Would the project disturb any human remains, including those interred outside of formal cemeteries? *NI. The project will not have any earth-moving activities and there are no known human remains on the site.*

VI. GEOLOGY AND SOILS

Environmental Setting

The site is a flat asphalt parking lot on the valley floor. It is underlain by expansive soil. There are no known earthquake faults on the site.

Project Impacts

- a) Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving:
 - i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. *NI. The project is of a temporary nature and there is no known earthquake faults identified on the site.*
 - ii) Strong seismic ground shaking? *NI. The project would not expose people or structures to ground shaking anymore than any other site on the valley floor.*
 - iii) Seismic-related ground failure, including liquefaction? *NI. The project would not expose people or structures to ground failure anymore than any other site on the valley floor.*
 - iv) Landslides? *NI. The project site is flat and there is no potential for exposing people or structures to landslides.*
- b) Would the project result in substantial soil erosion or the loss of topsoil? *NI. The project will occur entirely on soil covered by asphalt so there will be no impact on topsoil.*

- c) Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? *NI. The project is not located in a geologically unstable area.*
- d) Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? *NI. The project is located on expansive soil that is covered by asphalt. The project will not increase any risk already associated with the site.*
- e) Would the project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? *NI. No wastewater disposal system is proposed for this use.*

VII. HAZARDS AND HAZARDOUS MATERIALS

Environmental Setting

The site is a flat asphalt parking lot on the valley floor. There are no hazardous materials currently on site and the proposed use will not use hazardous materials.

Project Impacts

- a) Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? *NI. The project will not involve the use, transport or disposal of hazardous materials.*
- b) Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? *NI. The project will not involve the use, transport or disposal of hazardous materials.*
- c) Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? *NI. The project will not involve the use, transport or disposal of hazardous materials.*
- d) Would the project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? *NI. The project is not located on a site identified on a list compiled pursuant to Government Code Section 65962.5.*
- e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project site? *NI. The project site is not located within an airport land use plan or within two miles of a public airport or public use airport.*
- f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project site? *NI. The project site is not located within the vicinity of a private airstrip.*
- g) Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? *NI. The project will not interfere with adopted emergency plans.*

h) Would the project expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? *NI. The project is not in proximity of any wildlands.*

III. HYDROLOGY AND WATER QUALITY

Environmental Setting

The site is a flat asphalt parking lot on the valley floor. There are no natural water features on or near the site.

Project Impacts

a) Would the project violate any water quality standards or waste discharge requirements?

NI. The project will not use or discharge water.

b) Would the project substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? *NI. The project will not impact groundwater supplies or recharge areas.*

c) Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? *NI. The project is a temporary use of the site and will not affect drainage patterns.*

d) Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? *NI. The project is of a short-term temporary nature with no permanent structures and will not affect existing drainage patterns.*

e) Would the project create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? *NI. The project will not create or contribute runoff water.*

f) Would the project otherwise substantially degrade water quality? *NI. The project will not use or dispose of water.*

g) Would the project place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? The project site contains areas that lie within Zone A which is subject to a 100-year flood hazard and Zone X which is subject to a 500 year flood hazard. *NI. The project will not create new housing.*

h) Would the project place within a 100-year flood hazard area structures which would impede or redirect flood flows? *NI. The project does not create any structures.*

i) Would the project expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? *NI. The project is of a short-term temporary nature in an existing parking lot.*

j) Would the project expose people or structures to a significant risk of loss, injury or death involving inundation by seiche, tsunami, or mudflow? *NI. The project is of a short-term temporary nature in an existing parking lot.*

IX. LAND USE AND PLANNING

Environmental Setting

The site is an existing asphalt parking lot with no permanent structures in an urbanized setting. It is primarily surrounded by public oriented uses as indicated on Figure 1. North: Continuation of the High School parking lot to serve the City Sports Center. Also, the Sports Center and sports playing fields. East: Calaveras Hills High School and school district administrative offices. South: Calaveras Blvd. and neighborhood shopping center. West: (from south to north) Service station, medical offices and two single-family residences.

Project Impacts

a) Would the project physically divide an established community? *NI. The project is of a short-term temporary nature in an existing asphalt parking lot. There are no existing or proposed permanent structures or physical modifications to the existing site.*

b) Would the project conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? *NI. The project is of a short-term temporary nature in an existing asphalt parking lot. There are no existing or proposed permanent structures or physical modifications to the existing site. The project will not conflict with any applicable legal regulations or plans.*

c) Would the project conflict with any applicable habitat conservation plan or natural community conservation plan? *NI. The project is of a short-term temporary nature in an existing asphalt parking lot. There are no existing or proposed permanent structures or physical modifications to the existing site. The project will not conflict with any applicable conservation plans.*

X. MINERAL RESOURCES

Environmental Setting

The site is an existing asphalt parking lot with no permanent structures in an urbanized setting. No mineral resources are identified on the site.

Project Impacts

a) Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? *NI. There are no mineral resources on the site.*

b) Would the project result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? *NI. There are no mineral resource recovery sites identified on local plans.*

XI. NOISE

Environmental Setting

The site is an existing asphalt parking lot with no permanent structures in an urbanized setting. It is primarily surrounded by public oriented uses as indicated on Figure 1.

Project Impacts

- a) Would the project result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? *NI. The project is of a short-term temporary nature and does not involve any noise amplification. During the operating hours of Sundays, 6 a.m. to 2 p.m., noise generated by the project will involve starting and parking vehicles, setting up booths and the interaction of vendors with their customers during the open hours of the Farmers' Market. Musical entertainment may be provided for customer but the use permit will include special conditions that will prohibit amplification and require any performances to be conducted an appropriate distance away from residences adjacent to the site.*
- b) Would the project result in exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels? *NI. The typical operation of a farmers' market will not generate any ground borne vibration or noise.*
- c) Would the project result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? *NI. The project will only operate once a week on Sunday mornings from 6 a.m. to 2 p.m. Any noise generated by the project will not be permanent and affect the existing ambient noise levels.*
- d) Would the project result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? *NI. The typical operation of a farmers' market does not involve substantial increases in ambient noise levels. During the operating hours of Sundays, 6 a.m. to 2 p.m., noise generated by the project will involve starting and parking vehicles, setting up booths and the interaction of vendors with their customers during the open hours of the Farmers' Market. This level of noise will not negatively affect the adjacent nonresidential land uses because of the similar nature of their commercial operations and/or they will not be open for business during the farmers' market operating hours. Because of the early hour of operation on a Sunday morning, the adjacent residences could experience incidental short-term increases in noise occurrences. However, the use permit will include special conditions to insure there is adequate distance between the operation activities of the market and the backyard fences of the adjacent residential properties.*
- e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project site to excessive noise levels? *NI. This project site is not within an airport land use plan or within two miles of a public airport or public use airport.*
- f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project site to excessive noise levels? *NI. This project site is not within the vicinity of a private airstrip.*

XII. POPULATION AND HOUSING

Environmental Setting

The site is an existing asphalt parking lot with no permanent structures in an urbanized setting.

Project Impacts

- a) Would the project induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? *NI. The project is of a short-term temporary nature and does not involve any new construction or physical modifications to existing infrastructure.*
- c) Would the project displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? *NI. The project is of a short-term temporary nature and does not involve any new construction or demolition of existing structures.*
- d) Would the project displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? *NI. The project is of a short-term temporary nature and does not involve any new construction or demolition of existing structures. It will not displace any people.*

XIII. PUBLIC SERVICES

Environmental Setting

The site is an existing asphalt parking lot with no permanent structures in an urbanized setting. It receives the following services:

- *Fire. Fire protection is provided by the City of Milpitas Fire Department which provides structural fire suppression, rescue, hazardous materials control and public education services.*
- *Police. The City of Milpitas Police Department provides police protection.*
- *Maintenance. The City of Milpitas provides public facility maintenance, including roads, parks, street trees and other public facilities.*
- *Other governmental services. Other governmental services, such as water and solid waste, are provided by the City of Milpitas.*

Project Impacts

- a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:
- *Fire Protection? NI. The project is of a short-term temporary nature and any fire service needs will be minimal and not of any unusual character (i.e. hazardous materials, high-rises).*
 - *Police Protection? NI. The project is of a short-term temporary nature and any police service needs will be minimal.*
 - *Schools? NI. The project is of a short-term temporary nature and will not create any new housing or need for educational services.*
 - *Parks? NI. The project is of a short-term temporary nature and will not create any new needs for recreational services.*
 - *Other Public Facilities? NI. The project is of a short-term temporary nature and will not create needs for any new services or use of resource capacities.*

XIV. RECREATION

Environmental Setting

The site is a flat asphalt parking lot on the valley floor. The lot provides shared access and parking with the city Sports Center and athletic fields.

Project Impacts

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? *NI. The project will not create new use of existing recreational facilities.*

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment? *NI. The project will not include new construction or any physical modifications of existing facilities.*

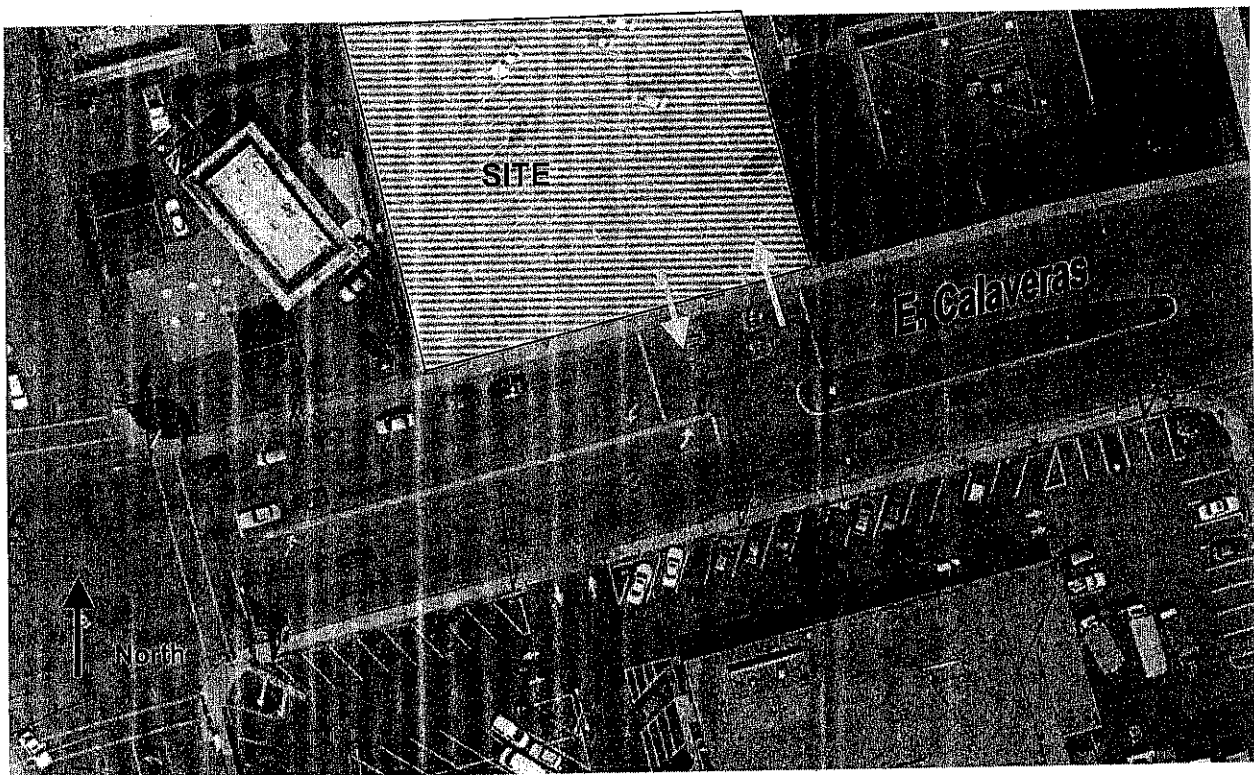
XV. TRANSPORTATION/TRAFFIC

Environmental Setting

The site is a flat asphalt parking lot on the valley floor. The lot provides shared access and parking with the city Sports Center and athletic fields.

Access is provided with two one-way driveway entrances on the southeast side of the site as indicated below:

Figure 3 Site Access



E. Calaveras Blvd. serves the site and is the major east/west arterial dissecting the center of the city. Bounding the south side of the site it has three eastbound lanes and two west bound lanes with a left-turn pocket into the entry driveway on the site.

Project Impacts

Would the project:

- a) Cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)? *NI. Traffic generation from the project will occur only on Sunday morning, a time of extremely low traffic volumes on Calaveras Blvd. The applicant estimates the market will typically attract about 2,000 customers each Sunday. Staff estimates the project will generate no more than 600 to 800 vehicle trips over a five hour period.*
- b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways? *NI. The project is estimated to generate no more than 600 to 800 vehicle trips over a five hour period. Given the low level of traffic on Calaveras Blvd. and Park Victoria Dr. on a Sunday morning, the project will not have a significant impact on traffic in the area or on the Calaveras Blvd./Park Victoria intersection.*
- c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? *NI. The project will not affect air traffic patterns or levels.*
- d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections). *NI. The project will not generate enough traffic, create new traffic turning movements or result in any new construction that would substantially increase traffic hazards.*
- e) Result in inadequate emergency access? *NI. The existing emergency access to the site is adequate for the project. The project will not create impede or affect existing emergency access to the site.*
- f) Result in inadequate parking capacity? *NI. Including the Sports Center parking lot, there are 700 to 900 parking spaces available for booths, vendor parking and customers. Vendor vehicles and booths for the farmers' market will use no more than 80 parking spaces. This will still leave a large surplus of available parking for market customers over the five hours the market is operating.*
- g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)? *NI. The project will not conflict with existing policies, plans or programs supporting alternative transportation.*

XVI. UTILITIES AND SERVICE SYSTEMS

Environmental Setting

The following service providers serve the project site:

- Electrical and natural gas power: Pacific Gas and Electric Company
- Communications: AT&T
- Water supply: City of Milpitas from wholesale provider San Francisco Water Department
- Recycled water: South Bay Water Recycling Program
- Wastewater: City of Milpitas; treated at the San Jose/Santa Clara Water Pollution Plant in San Jose.
- Storm drainage: City of Milpitas

- Solid waste disposal: Allied Wastes and Newby Island Landfill
- Cable Television: Comcast

Project Impacts

Would the project:

- Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? *NI. The project will not need wastewater treatment services.*
- Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? *NI. The project will not require water or wastewater services.*
- Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? *NI. The project is located on an existing parking lot. The storm water drainage facilities will be adequate to serve the site.*
- Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? *NI. The project does not need water service.*
- Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? *NI. The project does not need wastewater treatment services.*
- Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? *NI. All trash generated by the project will be removed and disposed off-site.*
- Comply with federal, state, and local statutes and regulations related to solid waste? *NI. All applicable laws and regulations will be complied with by the project.*

XVII. MANDATORY FINDINGS OF SIGNIFICANCE

- Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? *No.*
- Does the project have impacts that are individually limited but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? *No.*
- Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly? *No.*

Cindy Maxwell

From: RCTIB1@aol.com
Sent: Monday, June 04, 2007 10:03 PM
To: Cindy Maxwell
Subject: Proposed Use Permit No. UP2007-12 - Farmer's Market

Dear Cindy:

It was nice to visit with you over the telephone earlier today about the subject application.

Victorian Square Shopping Center, located at the northwest corner of Park Victoria Drive and Calaveras Boulevard, is owned by Victorian Square Associates, LLC., our family-owned LLC. I serve as its President.

As owners of Victorian Square Shopping Center, we have a genuine concern, as do others I'm sure, about the prospective impact upon our parking lot should the application be granted. We have several restaurant/food uses that are open on Sunday mornings: (1) Cindy's donut shop located at the easterly corner of our main retail building and nearest to Park Victoria Drive, (2) Round Table Pizza, (3) Starbucks Coffee, (4) Pho Hung restaurant and (5) Flames Restaurant. In particular, Flames generates a good deal of Sunday morning traffic and utilized a good deal of the parking in the center. Likewise, Starbucks generates a good deal of Sunday morning traffic, with customers lingering longer because they're not on the way to work. Cindy's donuts also generates traffic and has parking needs on Sunday mornings and the store is closest to location of the proposed Farmer's Market. We also have Leslie's Pools and Marlow's flowers that open on Sundays. Leslie's Pools also draws a good deal of traffic on Sunday mornings when customers are not at work and are available to purchase pool supplies, etc. We also have an active real estate broker's office in the center, and the brokers and customers busiest time on Sunday because its a day-off for most people and its not a Saturday shopping day, etc.

We assume that the City (I use the term generically to include Staff, the Planning Commission and the City Council) will, if the application is granted, impose conditions that will include a requirement that the applicant provide security each Sunday to effectively patrol the parking lots of nearby retail neighbors to ensure that the parking lots of others will not be infringed upon by anyone in connection with use of the Farmers Market activities.

You mentioned that there are some 600 parking spaces available, however, I assume that consideration will be given to the fact that notwithstanding that the municipal pool, etc., facilities that share the parking is not presently in operation on Sunday mornings, that very well could change in the future and serve to tax the available parking spaces. I am very aquanted with Marin County's Sunday Farmers Market held weekly at the Marin Civic Center, and there are at least twice as many parking spaces as are available to your applicant, and, because of its remote location, there are no retail or other businesses that are impacted.

Thank you for volunteering to send me a copy of application, the negative declaration, the staff report (whenever it's complete and ready to send out...which may trail your mailing) and such other relevant documents as you can provide me so that I can acquaint myself about the issues that may or will affect our property.

If the staff report is not yet ready when you send the other information, would you mind emailing me the staff report when it is ready and mailing the attachments to the report along with the other information. If you can possible send the package via overnight mail, it will be very helpful. I will be pleased to reimburse you the cost of mailing.

Finally, as I told you earlier today, I cannot attend the meeting next Wednesday because I serve on a Planning Commission myself and our meeting night is also next Wednesday night.

Will you please also confirm your receipt of this email so that I will know that it reached its destination and you have read it.

Thank you, and your indulgence and assistance is much appreciated.

Richard B. Collins
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